

REMARKS/ARGUMENTS

This Amendment responds to the Office Action March 17, 2009, in which the Examiner rejected claims 47-65 under 35 U.S.C. § 103.

Claims 47-65 were rejected under 35 U.S.C. § 103 as being unpatentable over *Hegde, et al.* (U.S. Patent No. 6,925,495) in view of *Doty, Jr.* (U.S. Patent No. 6,795,863), *Florschuetz* (U.S. Patent No. 6,601,009) and *Brittingham, et al., et al.* (U.S. Publication No. 2002/0112052).

Hegde, et al. appears to disclose in FIG. 6 a basic operating attribute inquiry system 600 determines the requesting devices basic configuration including the operating system, browser and media player used by the requesting device. The server 605 communicates with the requesting device and receives basic configuration information in return (Col. 10, lines 1-6).

Thus, although *Hegde, et al.* discloses receiving information based upon an inquiry, nothing in *Hegde, et al.* shows, teaches or suggests the exact method used to make the inquiry. Thus, nothing in *Hegde, et al.* shows, teaches or suggests determining browser type, and selecting one of plural methods for finding the media player information based upon the determined browser type and the received detection code, wherein the methods include at least (a) a string search and (b) trying to instantiate object for media players as claimed in claims 47, 53, 57, 61 and 63. Rather, *Hegde, et al.* only discloses inquiring and receiving the configuration information, but does not disclose how this is done.

Doty, Jr. appears to disclose a smart server 21 that tests user's bandwidth at the time of request to ensure an optimum bit-stream is served to the end users utilizing the maximum available bandwidth (Col. 7, lines 1-4). The very first detection that is performed determines if the user has the correct plug-ins to be able to view the site. The smart pages first determine which browser is being used to determine whether or not the plug-ins are present. If the plug-ins

are missing, the user is then sent to a smart download page (Col. 7, lines 8-14). If the plug-ins are available, the user is sent a short streaming media file to determine if they are able to receive multicast signals. At this point, a cookie is set recording user settings up to this point (Col. 7, lines 12-20). At the bandwidth detection page, a fixed size of data is sent down to the user and the time it takes to download is recorded (Col. 7, lines 22-24). Simultaneously, the encoding computers 28a – 28f transmit a digitized, compressed, and encoded video signal to the live multicast transaction system 18 (Col. 7, lines 34-37).

Thus, *Doty, Jr.* merely discloses the smart server testing a bandwidth of a user. Nothing in *Doty, Jr.* shows, teaches or suggests detecting media player information by determining browser type and selecting one of plural methods for finding the media player information based upon the determined browser type and the received detection code, wherein the methods include at least (a) a string search and (b) trying to instantiate object for media players as claimed in claims 47, 53, 57, 61 and 63. Rather, *Doty, Jr.* only discloses testing a bandwidth of a user.

Florschuetz appears to disclose website distributing streaming media content may wait to send streaming media data until the user has indicated the bandwidth of their internet connection (Col. 3, lines 14-16).

Thus, *Florschuetz* merely discloses a user indicating a bandwidth prior to the sending of the streaming media data. Nothing in *Florschuetz* shows, teaches or suggests detecting media player information by determining browser type and selecting one of plural methods for finding the media player information based upon the determined browser type and the received detection code, wherein the methods include at least (a) a string search and (b) trying to instantiate object for media players as claimed in claims 47, 53, 57, 61 and 63. Rather, *Florschuetz* only discloses waiting until the user indicates the bandwidth prior to sending the streaming media data.

Brittingham, et al. appears to disclose a method and apparatus for remotely querying and certifying capabilities and/or capabilities of client computers over a computer network [0001].

FIG. 2 discloses a process step 201 when a user of a client terminal 102 initiates a client computer certification session by establishing a communication link with a server 104 such as by providing the universal resource locator (URL) of the server 104 [0030].

Thus, *Brittingham, et al.* only discloses a client computer initiating a certification session. Nothing in *Brittingham, et al.* shows, teaches or suggests determining a browser type and selecting one of plural methods for finding the media player information based upon the determined browser type and the received detection code, wherein the methods include at least (a) a string search and (b) trying to instantiate object for media players as claimed in claims 47, 53, 57, 61 and 63. Rather, *Brittingham, et al.* only discloses initiating a certification session by establishing a communication link with the server by providing a universal resource locator of the server.

Furthermore, since *Brittingham, et al.* only discloses initiating a certification session by establishing a communication link via a universal resource locator, nothing in *Brittingham, et al.* shows, teaches or suggests receiving a request for a detection code from a client device as claimed in claims 47, 53, 57, 61 and 63. Rather, *Brittingham, et al.* only discloses establishing a communication link and does not request a detection code.

A combination of *Hegde, et al.*, *Doty, Jr.*, *Florschuetz* and *Brittingham, et al.* would merely suggest determining the configuration of a system (without specifics) as taught by *Hegde, et al.*, using a smart server 21 of *Doty, Jr.* to test the user's bandwidth, wait for the user to indicate the bandwidth prior to sending streaming media as taught by *Florschuetz*, and to establish a certification session as taught by *Brittingham, et al.*. Thus, nothing in the

combination of the references shows, teaches or suggests determining the browser type, and selecting one of plural methods for finding the media player information based upon the determined browser type and the received detection code, wherein the methods include at least (a) a string search and (b) trying to instantiate object for media players as claimed in claims 47, 53, 57, 61 and 63. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 47, 53, 57, 61 and 63 under 35 U.S.C. § 103.

Claims 48-52, 54-56, 58-60, 62 and 64-65 recite additional features. Applicant respectfully submits that claims 48-52, 54-56, 58-60, 62 and 64-65 would not have been obvious within the meaning of 35 U.S.C. § 103 over *Hegde, et al.*, *Doty, Jr.*, *Florscheutz* and *Brittingham, et al.*, at least for the reasons as set forth above. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 48-52, 54-56, 58-60, 62 and 64-65 under 35 U.S.C. § 103.

Thus, it now appears that the application is in condition for a reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

CONCLUSION

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

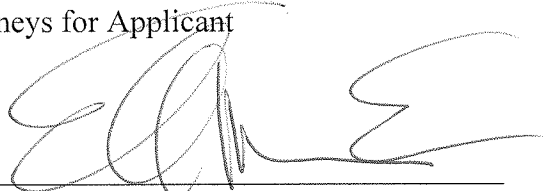
In the event that this paper is not timely filed within the currently set shortened statutory period, Applicant respectfully petitions for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant

Date: June 17, 2009

By: 
Ellen Marcie Emas
Registration No. 32,131
202-292-1530